

Notice of Allowability

Application No.

10/614,436

Examiner

Devona E. Faulk

Applicant(s)

HIGGS, ROY

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/14/2007.
2. ☒ The allowed claim(s) is/are 81.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/14/2007 have been fully considered but they were not persuasive.
2. The applicant agreed to an examiner's amendment to place the claims in allowable form.
3. Claims 1-60,62-64,71,77 and 80 are cancelled by the amendment.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Shimazaki (Reg. No. 37,236) on 4/26/2007.

The claims are to be amended as follows:

Claims 61,65-70,72 -76,78,79,82-85: Cancel.

Claim 81, line 14: after "screen;" insert - - wherein said screen extends upward from a peripheral edge of said parking garage, such that the back side of said screen faces away from the top parking level and away from said second building; and

Wherein said first building has a first elevation, said second building has a second elevation, said screen has a third elevation, and said top parking level has a

fourth elevation, wherein said first, second and third elevations are extended above said fourth elevation, such that said first and second buildings, and said screen, help to substantially block the view of the screen from the outside; - - .

Claim 81, line 25: after "garage; ", insert - wherein said short range radio sound system is adapted so that only cars located on or substantially near said top parking level of said parking garage are able to receive transmissions from said transmitters, wherein said sound system has the following features: a) said short range radio sound system enables movie-goers on said top parking level to listen to movies on pre-selected channels in their own cars, and wherein said sound system comprises multiple transmitters intermittently located on said top parking level, for sending broadcast signals through the air; b) wherein each of said at least one transmitter has an effective service range that is capable of reaching more than a single car, but does not exceed the maximum allowed distance for unlicensed use; c) a control mechanism for controlling, adjusting and setting the frequencies of the signals transmitted by said at least one transmitter is provided, wherein said control mechanism is adapted to adjust transmitters at different locations to different frequencies, to ensure that any one transmission by any one transmitter will not exceed the maximum distance allowed for unlicensed use; and d) said top parking level of said parking garage is divided into a plurality of areas, wherein each areas has at least one transmitter capable of operating at a different frequency - - .

Allowable Subject Matter

5. Claim 81 is allowed.

The following is an examiner's statement of reasons for allowance:

]Regarding claims 74 and 81 prior art Higgs (Higgs , *Extensions to and Refurbishment of Menlyn Park Shopping Centre, Pretoria*) (August 2000, see pg. 14 of source code) discloses a shopping mall or other complex comprising: a retail shopping structure comprising at least a first building having a roof extending upward to at least a first elevation (Menlyn park shopping center, page 1 of article, Figure 6);at least one multi-level parking garage associated with said shopping mall or other complex, wherein said parking garage has a top parking level extended to a second elevation, wherein said first elevation is higher than said second elevation and wherein said top parking level has a first and second end (page 1 of article disclose a mall with at least 3 levels and a parking garage accessible directly from each level of the mall, Figure 6);a second building area for housing a projector substantially constructed on top of said parking level, and located at said first end, wherein said second building extends upward from said top parking level and extends to a third elevation (Figure 6, the tent area reads on building housing a projector);a screen extending upward from said top parking level, wherein said screen is located on a second end of said parking garage, opposite said first end, wherein said screen extends upward from said second end of said parking garage to a fourth elevation (Figure 6 discloses a screen as claimed) and an events center.

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Prior art *Menlyn Park Shopping Center* discloses a shopping mall or other complex comprising: a retail shopping structure comprising at least a first building having a roof extending upward to at least a first elevation (Menlyn park shopping center, page 1 of article); at least one multi-level parking garage associated with said shopping mall or other complex, wherein said parking garage has a top parking level extended to a second elevation, a second parking garage with an events center provided on top.

Prior art Braun (US 6,414,789) discloses a projector building that houses a projector (1 building, 3 projector Figure 1). Prior art Herzfeld et al. (US 3,131,381) discloses a short-range radio information system (column 4, lines 14-24) and an outdoor theater system (Figure 1) including a control means (variable inductance coil; Figures 1 and 5; column 3, lines 3-28) that controls the frequency adjustment of transmitters. Prior art Allen (U.S. Patent 3,422,581) discloses a drive-in theater having multiple inclined spaces (Figure 4; column 2, lines 40-55).

Although the prior discloses separate elements or features of the claim. The prior art or combination thereof fails to disclose or make obvious the invention as a whole.

Therefore the prior art or combination thereof fails to disclose or make obvious a shopping mall or complex as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848.


The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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